CONFERENCE OF THE COMMITTEE ON DISARMAMENT

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CONFERENCE OF THE COMMITTEE ON DISARMAMENT

FINAL VERBATIM RECORD OF THE FOUR HUNDRED AND SIXTY-THIRD MEETING

held at the Palais des Nations, Geneva,
on Thursday, 9 April 1970, at 10.30 a.m.

Chairman: Mr. I. KOMIVES (Hungary)

(Previous verbatim records in this series appeared under the symbols ENDC/PV.1-ENDC/PV.430).

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PRESENT AT THE TABLE

Argentina:	Mr. C. ORTIZ de ROZAS
	Mr. A.F. DUMONT
	Mr. V.E. BERASATEGUI
Brazil:	Mr. R.E. SARAIVA GUERREIRO
	Mr. C.A. de SOUZA e SILVA
	Mr. L.F. PALMEIRA LAMPREIA
Bulgaria:	Mr. K. CHRISTOV
	Mr. I. PEINIRDJIEV
Burma:	U CHIT MYAING
	U KYAW MIN
Canada:	Mr. G. IGNATIEFF
	Mr. M.N. BOW
	Mr. R.W. CLARK
	Mr. J.R. MORDEN
Czechoslovakia:	Mr. M. VEJVODA
	Mr. J. STRUCKA
	Mrs. Z. FIALOVA
Ethiopia:	Mr. A. ZELLEKE
Hungary:	Mr. I. KOMIVES
	Mr. J. PETRAN
	Mr. I. SARKADI
India:	Mr. M.A. HUSAIN
	Mr. N. KRISHNAN
	Mr. K.P. JAIN

Italy:	Mr. R. CARACCIOLO
	Mr. F.L. OTTIERI
	Mr. R. BORSARELLI
	Mr. U. PESTALOZZA
Japan:	Mr. I. ABE
	Mr. S. YAMAMDA
	Mr. H. OTSUKA
	Mr. J. SAKAMOTO
Mexico:	Mr. M. TELLO
Mongolia:	Mr. M. DUGERSUREN
	Mr. Z. ERENDO
Morocco:	Mr. A.T. BENHIMA
	Mr. M.A.A. KHATTABI
Netherlands:	Mr. H.F. ESCHAUZIER
	Mr. E. BOS
Nigeria:	Alhaji SULE KOLO
	Mr. C.O. HOLLIST
Pakistan:	Mr. K. AHMED
	Mr. S.A.D. SUKHARI
	Mr. T.O. HYDER
Poland:	Mr. W. NATORF
	Mr. K. ZYBYLSKI
	Mr. H. STEPOSZ
	Mr. R. WLAZLO
Romania:	Mr. I. DATCU
	Mr. O. IONESCO
	Mr. V. PARASCHIV
	Mr. C. GEORGESCO

Sweden:	Mrs. A. MYRDAL
	Mr. A. EDELSTAM
	Mr. T. WULFF
	Mr. J. LUNDIN
Union of Soviet Socialist Republics:	Mr. A.A. ROSHCHIN
	Mr. V.V. SHOUSTOV
	Mr. L.A. MASTERKOV
	Mr. V.B. TOULINOV
United Arab Republic:	Mr. O. SIRRY
	Mr. M. ISMAIL
United Kingdom:	Mr. J.T. MASEFIELD
	Mr. R. HOULISTON
United States of America:	Mr. J.F. LEONARD
	Mr. A.R. DAY
	Mr. W. GIVAN
	Mr. R.L. McCORMACK
Yugoslavia:	Mr. M. BOZINOVIC
	Mr. M. VUKOVIC
Deputy Special Representative of the Secretary-General:	Mr. W. EPSTEIN

1. THE CHAIRMAN (Hungary): I declare open the 463rd plenary meeting of the Conference of the Committee on Disarmament.

2. Mrs. MYRDAL (Sweden): The debate in our Committee so far this year on the vital question of attaining an international ban that goes beyond the existing ban in the Geneva Protocol (A/7575/Rev.1, annex VI) on the use of biological and chemical means of warfare and extends to prohibitions in regard to their production, stockpiling, etc. has been a dynamic one. We are in the course of obtaining important clarifications as to several of the issues involved, technically complicated and politically vexing as they are. Several delegations have offered concrete suggestions for solutions. I believe we should push this process of clarification further before we settle down to try to agree on precise legal language. With the aim of continuing those "mapping expeditions", as I have ventured to call the preparatory work (CCD/PV.450, para.53), I intend today to dwell particularly on the thorny issue of verification.

3. Let me say first that we must, as always when exploring possible methods of verifying compliance with any measures of disarmament, avoid the risk of setting such standards of perfection that the proposal is effectively killed the moment it is put forward. The majority of speakers have spoken in general terms of the need for verification. But we must surely beware of stating too categorically that verification is indispensable lest progress be deadlocked. We have authoritative statements to prove that it is possible to forgo control. I am thinking of the unilateral pledges by some nations about refraining from production of certain chemical and biological weapons. In the case of the United States this refers to a total prohibition of production and stockpiling, together with the final elimination of all biological agents and one chemical type of agent -- namely toxins -- without referring to any need for reciprocity or verification. In the case of Canada we have an equally unconditional declaration of non-possession and also the renunciation for the future of the development, production, acquisition or stockpiling of all biological weapons and all chemical ones, with a reservation concerning just one of the latter, namely riot-control agents, the position of which is left unclarified (CCD/PV.460, para.37). No request for reciprocity or for a system of verification is made in this context.

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I should add that only the formal withdrawal of the reservation about retaliation which Canada made in regard to the use of these weapons when ratifying the Geneva Protocol is made contingent upon the attainment of "effective and verifiable agreements" (ibid.). More countries may be expected to be ready for unilateral, unconditional renunciation of chemical and biological means of warfare without raising the question of verification. It would of course be particularly welcomed if the action taken by the United States were emulated by the other major Powers.

4. While it has thus been demonstrated that a wide door is kept promisingly open for considerable progress by national decisions to surrender unconditionally the right to possess chemical and biological weapons, it nevertheless remains the task of this Committee to elaborate internationally-binding multilateral agreements, preferably universal in scope and covering all agents without exception. It is within that framework that we have to study to what degree verification is essential and in what forms it may be realistically implemented.

5. Again, a warning note must be struck against over-reliance on perfectibility. Or, to quote the representative of Yugoslavia, Mr. Vratuša:

> "If we compare the risk involved in imperfect control with the risk involved in the continuation of the present danger of chemical and bacteriological (biological) weapons, the truth will be confirmed once again that the former danger is far less than the latter." (CCD/PV.456, para.36)

Verification can never be and need not be 100 per cent effective. What is required is a sufficiently high probability of detection to provide deterrence on one side and reassurance on the other. One might discuss, as has been done in the SIPRI study on verification,[1] a 50 per cent probability of detection as constituting a sufficiently high barrier of deterrence against cheating. Even this figure might, however, be too high to be realistic in the sense that it would call for more intensive monitoring than is likely to be acceptable to all prospective adherents to an agreement. One might discuss the figure of 30 per cent or even 10 per cent as constituting a sufficient barrier.

6. My colleagues may remember that in the discussion we had earlier in this Committee on the problem of verification in connexion with the comprehensive test ban the Swedish delegation offered some suggestions for a solution based on a

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1/ The Problem of Chemical and Biological Warfare, part IV - Verification.

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statistical method of evaluation and applying modern decision theories. I refer particularly to the working paper we put forward in July 1967 (ENDC/191). For the calculations referred to in that paper we placed the disclosure probability level at 10 per cent, meaning that a prospective violator would have to face one chance in ten of being exposed. This level, we estimated, would be high enough to deter States from violations in view of the considerable political costs involved in a disclosure. That figure was later challenged, particularly by the United States delegation, as being too low. I want today, however, to draw attention, not so much to any specific percentage figure as to the scientific logic we then followed in order to show that the basic problem of obtaining reasonable assurance coupled with reliable deterrence is a common one which we meet whenever we try to draw up a disarmament or an arms-control measure. This is so because the essential feature is always a substantive obligation of a negative character; in the case we are now discussing an obligation not to develop, manufacture or stockpile chemical and biological means of warfare.

7. The main objective of any verification procedure is that it should generate mutual trust. Whenever dealing with matters of verification, the Swedish delegation has argued for the necessity of relying on two basic principles intended to create that mutual trust and make it grow, namely (a) the principle of open information and (b) the principle of internationalization.

8. A lead in the same direction, more specifically as to the value of openness, has been given by President Nixon when announcing the spectacular renunciatory action taken last autumn. In regard to biological weapons he declared in his statement of 25 November 1969 that the United States would confine its research in this field to immunization and safety measures. It was also said that the military research laboratories would be transferred to civilian agencies concerned with research in such important peaceful fields as immunization and protection against diseases. Further, disposal of existing stocks of bacteriological weapons was promised. In February of this year similar action was taken in regard to toxins, mostly regarded as chemical warfare agents. This series of measures thus announced by the United States would seem to ensure full openness for the future as to research, development, production and stockpiling in that country of biological means of warfare and of toxins.

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9. The representative of Yugoslavia, Mr. Vratuša, made the suggestion in his speech on 10 March to which I have already referred that all States should place their institutions engaged in chemical and biological weapon research, development and production under civilian administration, for instance by their respective ministries of health (CCD/PV.456, para.35).

10. The initiative to this effect taken in the United States and similar initiatives which have been or may be taken in other countries will become of immense importance for increasing the quality of life on our planet. Microbiology is a fast-growing part of the "life" sciences which help us to conquer dreaded diseases. All such efforts are particularly important for that majority of inhabitants of the globe who live in so-called developing countries. The continuing fight against disease, malnutrition and hunger, in which the scientists concerned with microbiology take a leading part, concerns those countries in a most direct way. If seen in this light, our efforts to stop all development for military uses of the biological agents take on their full meaning. And this is also true of many chemical agents which combat attacks by mould, insects and other parasites on our crops and other foodstuffs and promote development of new means of nutrition such as proteins and vitamins. The possibilities of improving life would become greatly enhanced if we refrained from producing all these agents for the purpose of the death and destruction of man.

11. If, as an exercise in formulating possible solutions, the Swedish delegation were now to attempt to sketch an international verification system for the prohibition of chemical and biological weapon production etc., we would place the requirement of open information as the first and fundamental element. But let me add immediately that we recognize the political difficulty of reporting on weapons, that is on chemical and biological agents which have become "weaponized", ready as munitions. On the other hand, we see great positive value in open reporting on the agents themselves.

12. This distinction becomes of paramount importance when we have to decide on the legal formulae for our prospective prohibitory regulations. I hope my colleagues will agree with me that we need a kind of twofold approach, as in the non-proliferation Treaty where article II prohibits the acquisition of "nuclear weapons" while article III on safeguards focuses upon "source or special fissionable material" (ENDC/226*). The principal article in a treaty on chemical and biological weapons likewise would probably have to prohibit the production and possession of weapons themselves. On the other hand, subsidiary regulations would have to be introduced dealing with the

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production etc. of agents, possibly in some language such as "agents which constitute possible components of chemical and biological weapons", but also with the important proviso in some such terms as "except for specified peaceful purposes" -- and I would like to emphasize "specified peaceful" purposes. Such a pattern would make it possible to take into consideration the distinction I advocated in my last intervention on this subject on 12 March between what I called unconditional and conditional prohibition, the latter intended to cover the situation in regard to substances having considerable peaceful uses (CCD/PV.457, para.44 et seq.). The open reporting which we are suggesting as the basic element of verification would also be concerned with the agents rather than with weapons.

13. In regard to biological agents a requirement for open information could immediately be made all-inclusive. With research and development as well as production limited to laboratory requirements for protective purposes, all need for secrecy would seem to disappear. On the contrary, unrestricted publication of scientific and technical work aimed at the international community would open the benefits to the whole world, as I have just indicated. The fight against disease is of universal interest. In particular, countries more developed in biological science and technology would be given better opportunity for sharing their results with countries lacking comparable research resources.

14. A similar course of action could be followed in large part in regard to chemical agents. A number of these have no civilian application, including all toxins, most nerve agents such as tabun, sarin, soman; all blister agents, such as sulphur and nitrogen mustards; and psychochemicals such as LSD. In addition, however, certain other chemical agents have a wide use for both military and civilian production. In this latter case secrecy may be a prerequisite for profitable commercial production. The form and content of the information would obviously have to be different in these cases.

15. I think the advice of experts would be needed on how such reporting as we may agree upon should be detailed for different agents in both the chemical and the biological fields, that is in regard to transmitting publications on scientific research and to government notifications concerning the flow of chemical and biological agents from production to different uses. One might possibly apply some relevant indicators, such as the number of personnel engaged in certain activities, the figures for sales, or other measurable factors. Several delegations

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have already mentioned the need for experts to come together to present us in the next few months with detailed information on various technical aspects of the problems of verification. I would like once again to add the voice of the Swedish delegation to the support of these suggestions.

16. I just said that "open information" seems to us to be one of the pillars of a verification system, the second being "internationalization". What we feel to be strictly necessary is an obligatory international reporting system applying to both qualitative and quantitative factors, that is both as to new developments and as to bulk of production. To include in the text of a treaty an obligation for governments to report continuously or periodically would seem to be essential in connexion with the prohibition, as envisaged, of the acquisition of chemical and biological means of warfare. The detailed procedures, particularly as to how to deal with "agents produced for specified peaceful purposes", might be laid down in an accompanying protocol annexed to the treaty, both because various agents have to be treated differently -- the demarcation line, however, not lying entirely between chemical and biological agents as separate categories -- and because expectations of technological changes call for a type of agreement which could be amended more rapidly and easily than the fundamental rules of the treaty itself.

17. A definite hurdle so far has been the selection of the proper international organ which should be given the duty of receiving, storing and preferably analysing and distributing the information contained in the reports. For the biological agents and for some chemical agents the World Health Organization may seem to be a natural choice as it already has the essential technical know-how. For some other chemical agents, particularly those going through industrial production for civilian uses, it is more difficult to indicate a focal point in the international system of agencies and organs. The Food and Agriculture Organization may be one possibility. In the final instance, when the prohibition of chemical and biological means of warfare has become part and parcel of general and complete disarmament, there will of course be available a specialized disarmament agency, the international disarmament organization provided for in the general draft treaties of 1962 (ENDC/2/Rev.1, ENDC/30 and Add.1-3). But even before that there will be an obvious need to enlist the co-operation of scientists specialized in the various fields concerned, and possibly also their international organizations. That, again, belongs to the questions calling for further penetration.

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18. The willingness to report, openly and internationally, on national activities related to development and production of chemical and biological agents seems to us to be the indispensable first requirement in a verification system. A second part might be an agreed complaints procedure, containing further possibilities of obtaining assurances that circumvention was not taking place. The question if, and in what form, that should in turn be followed by a procedure for applying sanctions I shall deal with a little later. That is usually part of a different article in similar treaties, most often in the form of a right of withdrawal. The complaints procedure, on the other hand, should definitely be part of the verification system. We have had occasion to amplify that view in considerable — and we hope constructive — detail in another context, under the label "verification by challenge". I refer to the working paper put forward by my delegation on 1 April 1969 outlining possible provisions of a treaty banning underground nuclear weapon tests (ENDC/242).

19. The United Kingdom draft treaty on biological warfare (ENDC/255/Rev.1) presents, albeit in an abridged form, just such a method of clarifying suspicious events or activities. The procedure suggested in its article III, paragraph 1, appears to us in its general outline to be a valuable one. The United Kingdom draft does not provide for queries directly from one party to another party. That may be based on the argument that the right to raise such queries always exists. We considered it valuable however — in the different context mentioned — that there should be established an obligation on the other party "to co-operate in good faith for the clarification of all events pertaining to the subject matter of [the] Treaty" (ENDC/242, article II).

20. Whether it is preferable, as the United Kingdom draft suggests, instead to turn immediately to an international organ depends, of course, on (a) whether such an organ is entrusted with a specified function in relation to the treaty and (b) whether that organ -- or perhaps the Secretary-General of the United Nations -- has at its disposal the experts needed for investigating complaints. Anyway, even if a shortened procedure should be prescribed, we would favour the complaints being lodged with the Secretary-General rather than directly with the Security Council, and the automatic procedure of investigating complaints being made applicable to suspected cases of breach of the prohibitions on production, stockpiling, etc., as to our minds the prospective treaty should not concentrate on complaints about use of chemical and biological weapons.

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21. It would seem to us preferable that lodging a complaint with the Security Council should be treated as a separate possibility, to be utilized at the discretion of the complaining party after the results of the investigation by experts had been submitted: this in order not to make complaints "political" and perhaps incriminating at an early stage and also in order to separate the functions of investigation and political judgement. The Swedish delegation, prima visia, prefers a procedure in several stages which gradually, and with increasing seriousness, would seek clarification and thereby as far as possible help to reduce tensions and avoid denunciations. Again we are reminded how much more flexibly, and at the same time adequately, complaints procedures would be handled if we had arrived at such a stage of general and complete disarmament that there was an international disarmament organization in operation. Be that as it may, we can see that there might be a need for a Security Council function of judging and, in cases warranting it, deciding on sanctions.

22. Other delegations may wish to suggest other methods of verification than the ones I have just outlined, particularly if they have in mind other targets for control. I have not wanted to exclude any verification methods on which general agreement could be reached, but in this statement I have concentrated on those elements of a verification system which would seem to us to be primarily necessary for incorporation in the legal instrument which is to constitute an agreed ban on production, etc., of chemical and biological weapons.

23. Obviously there are available many other modalities for obtaining security. They include aerial surveillance of field testing, information on training, analysis of budgetary provisions, inspection teams, etc. It has seemed to my delegation that such control methods, which are already to some extent applied by national agencies, would with a growing improvement in the climate of trust come to be voluntarily used more and more, first bilaterally and then, perhaps, also regionally. While such a development should be encouraged it would seem to us premature to prescribe immediately a fully-fledged system of any of those methods for compulsory use by an international organ. That would, inter alia, involve considerable costs in terms of financial resources, in terms of experts and in terms of political discomfort. It may well come to pass that as we in the Committee on Disarmament continue to study the possibilities of verification some of those methods may have proved their diagnostic

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importance, their practical feasibility and their political acceptability, so that they can be included in our general agreement. The main thing at this juncture must be to proceed jointly and in confident co-operation with a relentless search for solutions acceptable to all delegations.

The Conference decided to issue the following communiqué:

"The Conference of the Committee on Disarmament today held its 463rd plenary meeting in the Palais des Nations, Geneva, under the chairmanship of H.E. Ambassador Imre Könives, representative of Hungary.

"A statement was made by the representative of Sweden.

"The following document was circulated: letter dated 30 March 1970 from the Secretary-General of the United Nations to the co-Chairmen of the Conference of the Committee on Disarmament transmitting General Assembly document A/7967 (CCD/284).

"The next meeting of the Conference will be held on Tuesday, 14 April 1970, at 10.30 a.m."

The meeting rose at 11.10 a.m.